

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BENN SORENSEN,

Plaintiff,

vs

6:04-CV-321

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

LACKMAN & GORTON
Attorneys for Plaintiff
1500 East Main Street
P.O. Box 89
Endicott, New York 13761-0089

PETER A. GORTON, ESQ.

HON. GLENN T. SUDDABY
Acting United States Attorney
Northern District of New York
Attorney for Defendant
P. O. Box 7198
100 South Clinton Street
Syracuse, New York 13261-5165

WILLIAM H. PEASE, ESQ.
Assistant U.S. Attorney

OFFICE OF GENERAL COUNSEL
Social Security Administration
26 Federal Plaza
New York, New York 10278

BARBARA L. SPIVAK, ESQ.
Chief Counsel, Region II
PETER S. KRYNSKI, ESQ.
Assistant Regional Counsel

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Benn Sorensen, brought this action seeking judicial review pursuant to 42 U.S.C. § 405(g) of the Social Security Act. By Report and Recommendation dated April 5, 2006, the Honorable David E. Peebles, United States Magistrate Judge,

recommended that defendant's motion for judgment on the pleadings be granted, the Commissioner's finding of no disability be affirmed, and that plaintiff's complaint be dismissed in all respects. The plaintiff has timely filed objections to the Report-Recommendation, and the defendant has filed a response to the objections.

Based upon a de novo determination of the portions of the report and recommendations to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

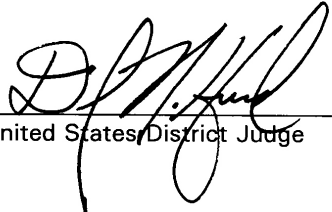
ORDERED that

1. The defendant's motion for judgment on the pleadings is GRANTED;
2. The Commissioner's finding of no disability is AFFIRMED; and
3. Plaintiff's complaint is DISMISSED in all respects.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: April 25, 2006
Utica, New York.


United States District Judge